

MINUTES
REGULAR MEETING OF THE CITY COUNCIL
CITY OF MEMPHIS

April 21, 2015

3:30 P.M. SCHEDULED SESSION

3:34 P.M. MEETING COMMENCED

ROLL CALL: Berlin Boyd, William Boyd, Joe Brown, Harold Collins, Kemp Conrad, Shea Flinn, Edmund Ford, Jr., Janis Fullilove, Wanda Halbert, Reid Hedgepeth, Bill Morrison, Jim Strickland and Chairman Myron Lowery.

**THE MEETING WAS CALLED TO ORDER
BY SERGEANT-AT-ARMS**

INVOCATION

The meeting was opened with prayer by Rev. Corey Johnson from Union Grove Missionary Baptist Church. Councilwoman Fullilove presented Rev. Johnson with a certificate naming him Chaplain of the day.

These minutes record the agenda items and the action taken by the Council on such items. The full text of the original of the ordinances, resolutions and supporting documents, including an audio recording of Council's deliberations are filed and maintained in the office of Council Records/Records Management, Room 2B-08. The original ordinances and/or resolutions adopted by the Council shall control in the event of any conflict between the description in these minutes and the original documents, ordinances and/or resolutions.

MINUTES

Approval of the Minutes of the regular meeting of April 7, 2015 with the following motion:

MOTION: Fullilove – Pull Item 16 (MLGW) from the minutes and send to Committee

Chairman Lowery asked if there was any objection to pulling Item #16 from the Minutes. There was no objection.

MAIN MOTION: Ford
SECOND: Morrison
AYES: B. Boyd, W. Boyd, Brown, Collins, Flinn, Ford, Fullilove, Halbert, Morrison, Strickland and Chairman Lowery

Conrad and Hedgepeth did not cast a vote

APPROVED, as amended

3. **RESOLUTION APPROVING A STREET/ALLEY CLOSURE LOCATED ON COUGHLIN DRIVE BETWEEN BROOKS ROAD AND STONEBROOK AVENUE, CONTAINING 2.058 ACRES IN THE EMPLOYMENT (EMP) DISTRICT. THIS RESOLUTION IS SPONSORED BY THE OFFICE OF PLANNING AND DEVELOPMENT.** (Held from 4/15; 5/20; 10/7; 10/21; 11/18; 12/16; 1/20; 3/17)

Case No. SAC 13-605

Companion Case No. SD 13-701

Held for 3 months

5. **RESOLUTION APPROVING A HOTEL/MOTEL WAIVER FOR RODEWAY INN LOCATED AT 5119 AMERICAN WAY, MEMPHIS, TN 38115. THIS RESOLUTION IS SPONSORED BY THE OFFICE OF PLANNING AND DEVELOPMENT.**

Case No. HMW 15-06

Held until May 5, 2015

8. **RESOLUTION APPROVING A STREET DEDICATION LOCATED ON SANDBROOK AND STONEBROOK AVENUES, CONTAINING 0.146 ACRE IN THE EMPLOYMENT (EMP) DISTRICT. THIS RESOLUTION IS SPONSORED BY THE OFFICE OF PLANNING AND DEVELOPMENT.** (Held from 4/15; 5/20; 10/7; 10/21; 11/18; 12/16; 1/20; 3/17).

Case No. SD 13-701

Companion Case No. SAC 13-605

Applicant: City of Memphis Engineering Division
Bill Wood, Pickering Firm – Representative

Request: Dedicate new street right-of-way in conjunction with the closure of Coughlin Drive

LUCB and OPD recommendation: APPROVAL

No Opposition at LUCB; No Public Hearing Required

WITHDRAWN

28. **ORDINANCE TO SET FOURTH UNIFORM REQUIREMENTS FOR TRANSPORTATION NETWORK SERVICES; TO DEFINE TRANSPORTATION NETWORK SERVICES, APPLICATIONS, COMPANIES, AND OPERATORS AND TO CREATE REGISTRATION PROVISIONS FOR OPERATORS; AND TO PROVIDE FOR OTHER RELATED MATTERS, UP FOR T H I R D AND F I N A L READING. ORDINANCE NO. 5569 IS SPONSORED BY COUNCILMAN KEMP CONRAD AND CO-SPONSORED BY CHAIRMAN MYRON LOWERY.** (Held from 11/4; 11/18; 1/6; 1/20; 2/3; 2/17; 3/3; 3/17)

Held until May 5, 2015

29. **ORDINANCE TO AMEND CHAPTER 2, CODE OF ORDINANCES OF THE CITY OF MEMPHIS, SO AS TO ESTABLISH COMMUNITY ADVISORY COUNCILS, UP FOR T H I R D AND F I N A L READING. ORDINANCE NO. 5557 IS SPONSORED BY COUNCILWOMAN WANDA HALBERT.** (Held from 8/19; 9/16; 10/21; 11/18; 12/16; 1/20; 2/3; 2/17; 3/17).

Held until May 5, 2015

30. **ORDINANCE AMENDING THE TAXI ORDINANCE, UP FOR T H I R D AND F I N A L READING. ORDINANCE NO. 5578 IS SPONSORED BY COUNCILMAN KEMP CONRAD AND CHAIRMAN MYRON LOWERY.** (Held from 1/6; 1/20; 2/3; 2/17; 3/3; 3/17)

Held until May 5, 2015

33. **RESOLUTION REQUESTING A MINIMUM OF \$13,500,000.00 FOR PAVING AND \$7,000,000.00 FOR COMMUNITY PROJECTS BE INCLUDED IN THE FY2016 CAPITAL IMPROVEMENT BUDGET. THIS RESOLUTION IS SPONSORED BY COUNCILWOMAN HALBERT. CO-SPONSORED BY COUNCILMAN BERLIN BOYD, COUNCILMAN BILL MORRISON AND COUNCILMAN EDMUND FORD, JR.**

Held until May 5, 2015

38. **RESOLUTION TO APPROVE AN INCREASE OF THE CITY ATTORNEY'S OFFICE AUTHORIZED COMPLEMENT TO TAKE EFFECT UPON THE APPROVAL OF THE MINUTES. THIS RESOLUTION IS SPONSORED BY THE LAW DIVISION.** (Held from 4/7)

Held until May 5, 2015

1. **PRESENTATION OF THE FY 2016 BUDGET, BY MAYOR A C WHARTON, JR.**

NO VOTE WAS REQUIRED

Chairman Lowery stated that we will take a 5 minute recess.

RECESSED – 3:57 P.M. RECONVENED – 4:05 P.M.

2. RESOLUTION APPROVING A SUBDIVISION APPEAL LOCATED ON THE NORTHWEST CORNER OF POPLAR AVENUE AND BELLE MEADE LANE, CONTAINING .71 ACRE.

Case No. S 11-007

Appellant: John R. Wills, Jr.

SPECIAL ITEM #1: CONSIDERATION OF MATTERS ON REMAND

Request: This item is before the City Council on remand from the Tennessee Court of Appeals, based solely on the record and argument of the appellant, opposition to the appeal, the staff and council members, with instructions to determine the proper interpretation to be given to UDC Section 3.9.2(B)(1), as applied to the appeal of John R. Wills, Jr. of the LUCB's rejection of his application to resubdivide Lot 94 of the Belle Meade Subdivision. Specifically the Court of Appeals ruled that if Lot 94 is determined to be "surrounded on all sides by existing single-family detached or single-family attached development legally established before 1950 in a residential district" the City Council may then resolve the appeal by considering whether Mr. Wills' proposed subdivision complies with the UDC's contextual infill standards. If, however, Lot 94 is found not to be "surrounded on all sides by existing single-family detached or single-family attached development legally established before 1950 in a residential district," the City Council is directed to grant Mr. Will's application for subdivision of Lot 94.

The Council was presented with a record of the prior proceedings, in which the appeal was denied on August 16, 2011 and a brief summary of the case from OPD.

Chairman Lowery then recognized the following persons to address the Council:

Appellant: Ricky Wilkins, 66 Monroe Ave., Memphis, TN 38103

Neighborhood Opposition: David Wade, 6410 Poplar Ave., Memphis, TN 38119

City Council Attorney: Allan J. Wade, 125 N. Main Street, Room 514, Memphis, TN 38103

MOTION ON SPECIAL ITEM #1:

Flinn – The Council concludes and interprets the UDC and the term "development" as referring to other residential subdivisions and residential uses surrounding Lot 94 in the Belle Meade Subdivision and that UDC Section 3.9.2 is applicable to the re-subdivision of Mr. Wills property, because Mr. Wills property is surrounded on all sides by residential development established before 1950

SECOND: B. Boyd

AYES: B. Boyd, W. Boyd, Collins, Conrad, Flinn, Ford, Halbert, Hedgepeth,

Morrison,
Strickland and Chairman Lowery
NAYS: Fullilove
Brown did not cast a vote

SPECIAL ITEM #1 APPROVED:

MAIN MOTION

Request: Resolution approving the appeal of John R. Wills, Jr., seeking to overturn the action of the Memphis and Shelby County Land Use Control Board rejecting the preliminary plan for the re-subdivision of Lot 94 of the Belle Meade Subdivision

LUCB recommendation: Rejection

OPD recommendation: APPROVAL, of the re-subdivision with conditions

MAIN MOTION: Flinn
SECOND: B. Boyd
AYES: Fullilove
NAYS: B. Boyd, W. Boyd, Brown, Collins, Conrad, Flinn, Ford, Halbert, Hedgepeth, Morrison, Strickland and Chairman Lowery

MAIN MOTION FAILED

4. **RESOLUTION APPROVING A HOTEL/MOTEL WAIVER FOR INN AT AMERICAN WAY LOCATED AT 4300 AMERICAN WAY, MEMPHIS, TN 38118. THIS RESOLUTION IS SPONSORED BY THE OFFICE OF PLANNING AND DEVELOPMENT.**

Case No. HMW 15-02

MOTION: Collins
SECOND: B. Boyd
AYES: B. Boyd, W. Boyd, Brown, Collins, Conrad, Flinn, Ford, Halbert, Strickland and Chairman Lowery
NAYS: Fullilove
Hedgepeth and Morrison did not cast a vote

APPROVED

6. **RESOLUTION APPROVING A HOTEL/MOTEL WAIVER FOR CROWNE PLAZA MEMPHIS DOWNTOWN LOCATED AT 300 N. SECOND STREET, MEMPHIS, TN 38105. THIS RESOLUTION IS SPONSORED BY THE OFFICE OF PLANNING AND DEVELOPMENT.**

Case No. HMW 15-07

MOTION: Collins
SECOND: Strickland
AYES: B. Boyd, W. Boyd, Brown, Collins, Conrad, Ford, Fullilove, Halbert, Hedgepeth, Strickland and Chairman Lowery
Flinn and Morrison did not cast a vote

APPROVED

7. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED AT 3850 ELVIS PRESLEY BOULEVARD, 140 FEET SOUTH OF DOLAN, CONTAINING 5.35 ACRES IN THE RESIDENTIAL-10 (R-10) DISTRICT. THIS RESOLUTION IS SPONSORED BY THE OFFICE OF PLANNING AND DEVELOPMENT.**

Case No. PD 15-303

Applicant: OKC Partnership
Tim McCaskill – Representative

Request: Aircraft Outdoor Display and Museum

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

MOTION: Collins
SECOND: B. Boyd
AYES: B. Boyd, W. Boyd, Brown, Collins, Conrad, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Morrison, Strickland and Chairman Lowery

APPROVED

9. **RESOLUTION APPROVING A SPECIAL USE PERMIT LOCATED ON CAPEWOOD DRIVE, 600 FEET WEST OF TREZEVANT, CONTAINING 0.65 ACRE IN THE RESIDENTIAL-10 (R-10) DISTRICT. THIS RESOLUTION IS SPONSORED BY THE OFFICE OF PLANNING AND DEVELOPMENT.**

Case No. SUP 15-202

Applicant: Tower Assets Newco IX-Tower Ventures
Lou Katzerman – Representative

Request: Construct a 170' CMCS (Cell) Tower

LUCB and OPD recommendation: APPROVAL, with conditions

No Opposition at LUCB; No Public Hearing Required

MOTION: Collins
SECOND: W. Boyd
AYES: B. Boyd, W. Boyd, Brown, Collins, Conrad, Ford, Fullilove, Halbert, Hedgepeth, Morrison, Strickland and Chairman Lowery
Flinn recused

APPROVED

CONSENT AGENDA – Items 10-15 and 42 may be acted upon by one motion: SEE PAGE 3284 FOR ROLL CALL

10. **JOINT ORDINANCE TO AMEND THE PROVISIONS OF THE 2012 JOINT MECHANICAL CODE OF MEMPHIS AND SHELBY COUNTY RELATED TO THE OPERATION AND SAFETY MONITORING OF CERTAIN POWER BOILERS TO MAKE THESE REQUIREMENTS MORE CLOSELY ALIGN WITH STATE OF TENNESSEE REQUIREMENTS FOR THE OPERATION OF SUCH EQUIPMENT, UP FOR F I R S T READING. ORDINANCE NO. 5584 IS SPONSORED BY THE OFFICE OF PLANNING AND DEVELOPMENT.**

APPROVED, on First reading

11. **ORDINANCE TO AMEND ARTICLE II, CHAPTER 4-14, CITY OF MEMPHIS CODE OF ORDINANCES, AND ARTICLE III, CHAPTER 39 TO ALLOW THE CONSUMPTION OF ALCOHOLIC BEVERAGES BY AN INDIVIDUAL(S) WHO IS A PASSENGER IN CERTAIN NON-MOTORIZED VEHICLES FOR HIRE, UP FOR F I R S T READING. ORDINANCE NO. 5585 IS SPONSORED BY COUNCILMAN REID HEDGEPEETH.**

APPROVED, on First reading

12. **ORDINANCE FOR CREATION OF THE GRACELAND TOURISM DEVELOPMENT ZONE TOURISM SURCHARGE AND OTHERWISE PROVIDING WITH RESPECT TO THE FOREGOING, UP FOR S E C O N D READING. ORDINANCE NO. 5583 IS SPONSORED BY THE EXECUTIVE DIVISION.**

APPROVED, on Second reading

13. **RESOLUTION ACCEPTING SOUTH JUNCTION APARTMENTS, LOTS 1 & 2.**
Case No. SCBID-13-03
(Contract No. CR-5203)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the NE and SW corners of Florida Street and Carolina Avenue. The standard improvement contract was approved on October 1, 2013. Resolution also authorizes the release of the performance bond in the amount of \$148,600.00.

City Engineer recommends approval

APPROVED

14. **RESOLUTION ACCEPTING TOURNAMENT CENTER P.D., PHASE 5 AND AUTHORIZING RELEASE OF BOND.**

Case No. PD 09-305
(Contract No. CR-5211)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the northwest corner of Tournament Drive and Hacks Cross. The standard improvement contract was approved on May 20, 2014. Resolution also authorizes the release of the cashier's check in the amount of \$101,400.00.

City Engineer recommends approval

APPROVED

15. **RESOLUTION approving final plat of TULANE PARK NEIGHBORHOOD CENTER AMENDED SC-1.**

Contract No. CR-5230

Resolution approves the final plat located on the northwest corner of Holmes Road and Tulane Road. Cost of the required improvements to be borne by the developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

APPROVED

42. **ORDINANCE TO AMEND CHAPTER 28, ARTICLE VII, CITY OF MEMPHIS CODE OF ORDINANCES, ESTABLISHING THE CIVILIAN LAW ENFORCEMENT REVIEW BOARD, UP FOR F I R S T READING. ORDINANCE NO. 5586 IS SPONSORED BY COUNCILMAN SHEA FLINN.**

Chairman Lowery recognized the following person who spoke from the audience:

Taylor Flake, 650 E. Parkway South, Memphis, TN 38104
DeAndre Sanders, 3517 Brantley Rd., Memphis, TN 38109
Samuel Tore-Ojo, 650 E. Parkway South, Memphis, TN 38104

APPROVED, on First reading

ROLL CALL CONSENT ITEMS

MOTION: Ford
SECOND: Morrison
AYES: B. Boyd, W. Boyd, Brown, Collins, Conrad, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Morrison, Strickland and Chairman Lowery

APPROVED

FISCAL CONSENT – Items 16 -18 may be acted upon by one motion:

16. **RESOLUTION TO ACCEPT FROM FISCAL AGENT GROWMEMPHIS, COMMUNITY GARDEN SUPPLIES, PURCHASED USING \$10,000.00 FROM TENNESSEE RECREATION AND PARKS ASSOCIATION (TRPA) AWARDED TO BUILD COMMUNITY GARDENS AT ONE (1) SENIOR CENTER AND FOUR (4) COMMUNITY CENTERS. THIS RESOLUTION IS SPONSORED BY PARKS AND NEIGHBORHOODS.**

APPROVED

17. **RESOLUTION TO ACCEPT FUNDS IN THE AMOUNT OF \$500.00 RECEIVED BY THE MCWHERTER SENIOR CENTER ADVISORY COUNCIL FROM THE MS. GWEN ALLEN, RUFUS E. FORT FAMILY ADVISED FUND OF THE COMMUNITY FOUNDATION OF MIDDLE TENNESSEE (CFMT) TO SUPPORT KITCHEN RELATED OPERATIONAL EXPENDITURES AT MCWHERTER SENIOR CENTER. THIS RESOLUTION IS SPONSORED BY PARKS AND NEIGHBORHOODS.**

APPROVED

18. **RESOLUTION ACCEPTING A DONATION OF \$500.00 FROM PRINCE OF PEACE MISSIONARY BAPTIST CHURCH, AWARDED TO OLD ALLEN PRECINCT FOR OFFICER OF THE MONTH AWARDS. THIS RESOLUTION IS SPONSORED BY POLICE SERVICES.**

APPROVED**ROLL CALL FISCAL CONSENT**

MOTION: B. Boyd
SECOND: Ford
AYES: B. Boyd, W. Boyd, Brown, Collins, Conrad, Flinn, Ford, Fullilove, Halbert,
Hedgepeth, Morrison, Strickland and Chairman Lowery

APPROVED**MLGW FISCAL CONSENT – Items 19-26 may be acted upon by one motion:**

19. RESOLUTION APPROVING CONTRACT NO. 11796, BETWEEN MEMPHIS LIGHT, GAS AND WATER DIVISION AND 266 DEVELOPER, LLC, A TENNESSEE LIMITED LIABILITY COMPANY PROVIDING FOR THE LICENSE BY MLGW TO THE DEVELOPER OF UP TO 150 PARKING SPACES IN THE BEALE STREET LANDING PARKING GARAGE, TO BE USED BY TENANTS IN THE MULTI-FAMILY HOUSING PROJECT BEING BUILT BY DEVELOPER AT 266 SOUTH FRONT STREET, MEMPHIS, TENNESSEE.

APPROVED

20. RESOLUTION APPROVING CHANGE NO. 3 TO CONTRACT NO. 11502, GROUNDS MAINTENANCE WELL LOTS, WITH BEAN AND PRINCE CONTRACTORS, INCORPORATED, IN THE FUNDED AMOUNT OF \$68,951.12. (THIS CHANGE IS TO RENEW THE CURRENT CONTRACT FOR THE THIRD OF FOUR RENEWAL TERMS COVERING THE PERIOD MAY 17, 2015 THROUGH MAY 16, 2016. THIS RENEWAL REFLECTS A 2% INCREASE IN RATES FROM THE PREVIOUS YEAR DUE TO EXPANDING THE SERVICES TO INCLUDE THE REMOVAL OF DEBRIS, TIRES, TRASH AND BAGGED LEAVES DUMPED ON THE WELL LOTS WHICH HAVE TO BE REMOVED PRIOR TO MOWING. THESE UNFORESEEN CONDITIONS HAVE RESULTED IN AN INCREASE IN MAN-HOURS, USAGE OF EQUIPMENT, FUEL AND LANDFILL COSTS.)

APPROVED

21. RESOLUTION APPROVING CHANGE NO. 2 TO CONTRACT NO. 11564, GROUNDS MAINTENANCE, WITH VANDERBILT LANDSCAPING, IN THE FUNDED AMOUNT OF \$495,719.25. (THIS CHANGE IS TO RENEW THE CURRENT CONTRACT FOR THE SECOND OF FOUR RENEWAL TERMS FOR THE PERIOD COVERING MAY 12, 2015 THROUGH MAY 11, 2016, WITH NO INCREASE IN RATES FROM THE PREVIOUS YEAR.)

APPROVED

22. **RESOLUTION APPROVING CHANGE NO. 4 TO CONTRACT NO. 11486, GROUNDS MAINTENANCE AND LANDSCAPING SERVICES, WITH LANDSCAPE WORKSHOP, LLC, IN THE FUNDED AMOUNT OF \$80,896.50. (THIS CHANGE IS TO RENEW THE CURRENT CONTRACT FOR THE FOURTH AND FINAL RENEWAL TERM COVERING THE PERIOD MAY 4, 2015 THROUGH MAY 3, 2016.)**

APPROVED

23. **RESOLUTION REQUESTING AUTHORITY TO ENTER INTO PROCUREMENT AGREEMENTS RELATED TO THE MODIFICATION OF MLGW'S ELECTRIC, GAS, AND WATER SYSTEMS IN ORDER TO SERVE THE NEW TENNESSEE VALLEY AUTHORITY (TVA) COMBINED CYCLE POWER PLANT IN MEMPHIS, WHICH WILL REPLACE TVA'S ALLEN FOSSIL PLANT IN 2018. (MLGW WILL BE ENTERING INTO SEVERAL PROCUREMENT AGREEMENTS TO SUPPLY THE INFRASTRUCTURE FOR THIS PROJECT. DUE TO THE RIGID TIME LINES OF THIS PROJECT, PRIOR APPROVAL FOR EXPENDITURES ASSOCIATED WITH THIS PROJECT IS BEING REQUESTED. ALL COSTS WILL BE REIMBURSED BY TVA.)**

APPROVED

24. **RESOLUTION AWARDED CONTRACT NO. 11685, ENERGYAXIS MANAGEMENT SYSTEM (EAMS) MAINTENANCE AGREEMENT, TO ELSTER SOLUTIONS, LLC, IN THE FUNDED AMOUNT OF \$66,545.00.**

APPROVED

25. **RESOLUTION APPROVING CONTRACT NO. 11689, ENERGY INFORMATION COMMUNICATION TECHNOLOGY (EICT) SOFTWARE SUPPORT AND MAINTENANCE AGREEMENT, TO ELSTER SOLUTIONS, LLC, IN THE FUNDED AMOUNT OF \$54,000.00.**

APPROVED

Councilman B. Boyd requested same night minutes for this item. Chairman Lowery asked if there was objection to having same night minutes for this item. There was no objection.

26. **RESOLUTION APPROVING MLGW TO PAY A SETTLEMENT CLAIM OF \$65,000.**

APPROVED

MLGW ROLL CALL CONSENT ITEMS

MOTION: B. Boyd

SECOND: Ford

AYES: B. Boyd, W. Boyd, Brown, Collins, Conrad, Flinn, Ford, Fullilove, Halbert,

Hedgepeth, Morrison, Strickland and Chairman Lowery

APPROVED

27. **APPOINTMENTS**

BEALE STREET TOURISM DEVELOPMENT AUTHORITY

Appointments

Warner “Ty” Agee
Ross A. Boswell
Edmund Ford, Jr.
J. W. Gibson, II
Nathaniel Jones
Paul Morris
Caren B. Nichol
Joellyn Forrester Sullivan
Johnnie Walker
Jason Wexler
Jamal Whitlow
Archie Willis
Pat Mitchell Worley

CIVIL SERVICE COMMISSION

Appointments

Brandon M. Ingram
Natalie J. McKinney

ECONOMIC DEVELOPMENT GROWTH ENGINE OF MEMPHIS AND SHELBY COUNTY

Reappointment

Thomas R. Dyer

MEMPHIS AND SHELBY COUNTY CROSS CONNECTION BOARD

Reappointments

Cindy Cook
Odell Johnson, Jr.
Jason Tyler Zerwekh

MEMPHIS PUBLIC LIBRARY AND INFORMATION CENTER BOARD OF TRUSTEES

Appointment

Dr. Alfred L. Hall

(THE DISCUSSION BELOW ONLY DEALS WITH THE APPOINTMENTS TO BEALE STREET TOURISM DEVELOPMENT AUTHORITY)

Councilwoman Halbert recommended that this item go back to Committee

Councilman Flinn recommended that the question be split for those that do not have an interest in Beale Street and send the others with interest in Beale Street back to Committee

MOTION: B. Boyd – Appoint Warner “Ty” Agee, Ross A. Boswell, Edmund Ford, Jr., Paul Morris, Caren B. Nichol, Jason Wexler, Jamal Whitlow, Joellyn Forrester Sullivan, Johnnie Walker and Nathaniel Jones

SECOND: Hedgepeth

MOTION WITHDRAWN

MOTION: Flinn – Reserve only two spots for merchants. Before taking office they will have to make a declaration that they do not have a financial interest. If they have a financial interest they will not be permitted to serve. The two merchants will be allowed to serve.

SECOND: W. Boyd

Attorney Wade stated that both motions can stand together. Councilman Lowery asked if there was any objection to combining the motions. There was no objection.

Councilman B. Boyd withdrew his motion.

MAIN MOTION: Flinn

SECOND: Hedgepeth

AYES: B. Boyd, W. Boyd, Collins, Flinn, Ford, Halbert, Hedgepeth, Morrison, Strickland and Chairman Lowery

NAYS: Fullilove
Brown and Conrad did not cast a vote

APPROVED, as amended

31. **ORDINANCE TO AMEND CITY OF MEMPHIS, CODE OF ORDINANCES, CHAPTERS 9-12-35 AND 9-12-36(A)(1), REQUESTING APPROVAL TO INCREASE THE AIR POLLUTION EMISSION FEE FROM \$43.00 TO \$48.00 PER TON OF ANNUAL EMISSIONS AND TO INCREASE THE ANNUAL PERMIT FEE FROM \$1000.00 TO \$2000.00 FOR TITLE V SOURCES, UP FOR T H I R D AND F I N A L READING. TRANSPORTATION ORDINANCE NO. 5581 IS SPONSORED BY PUBLIC WORKS.**

MOTION: Hedgepeth

SECOND: B. Boyd

AYES: B. Boyd, W. Boyd, Collins, Conrad, Ford, Fullilove, Halbert, Hedgepeth, Morrison, Strickland and Chairman Lowery
Brown and Flinn did not cast a vote

APPROVED

32. **ORDINANCE TO AMEND CITY OF MEMPHIS, CODE OF ORDINANCES, TITLE 9, CHAPTER 9-12, ARTICLE 1, SECTION 9-12-4, TITLED “OPEN BURNING” TO MEET THE REQUIREMENT RECENTLY ADOPTED BY THE TENNESSEE AIR POLLUTION CONTROL BOARD AND PLACED IN THE CERTIFICATE OF EXEMPTION (COE) ISSUED TO SHELBY COUNTY AND ALL OF ITS MUNICIPALITIES ON MAY 14, 2014, UNDER THE PROVISIONS OF THE TENNESSEE AIR QUALITY ACT, T.C.A. § 68-201-115 (E) ET SEQ., TO AUTHORIZE AN EXPEDITED PROCESS TO GRANT WAIVERS FROM OPEN BURNING REGULATIONS, UP FOR T H I R D AND F I N A L READING. ORDINANCE NO. 5582 IS SPONSORED BY PUBLIC WORKS.**

MOTION: Hedgepeth

SECOND: B. Boyd

AYES: B. Boyd, W. Boyd, Collins, Conrad, Ford, Fullilove, Halbert, Hedgepeth, Morrison, Strickland and Chairman Lowery
Brown and Flinn did not cast a vote

APPROVED

34. **RESOLUTION REQUESTING THE APPROVAL OF THE SALE OF CITY OWNED SURPLUS PROPERTY AS SHOWN IN PLAT BOOK 1, PAGE 27, AS LOT #022, LOCATED AT 0 TATE STREET, IN MEMPHIS, SHELBY COUNTY, TENNESSEE AND FURTHER DESCRIBED AS PARCEL 011030 00012. THE AMOUNT OF THE OFFER IS \$1,500.00. THIS RESOLUTION IS SPONSORED BY GENERAL SERVICES.**

MOTION: Hedgepeth

SECOND: Ford

AYES: B. Boyd, W. Boyd, Collins, Conrad, Ford, Fullilove, Halbert, Hedgepeth, Morrison, Strickland and Chairman Lowery
Brown and Flinn did not cast a vote

APPROVED

35. **RESOLUTION REQUESTING THE APPROVAL OF THE SALE OF CITY OWNED SURPLUS PROPERTY ACQUIRED BY THE CITY OF MEMPHIS IN TAX SALE #7, LOCATED AT 502 WICKS AVENUE IN MEMPHIS, SHELBY COUNTY, TENNESSEE AND FURTHER DESCRIBED AS PARCEL #025014 00025. THE AMOUNT OF THE OFFER IS \$1,200.00. THIS RESOLUTION IS SPONSORED BY GENERAL SERVICES.**

MOTION: Hedgepeth

SECOND: B. Boyd

AYES: B. Boyd, W. Boyd, Brown, Collins, Conrad, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Morrison, Strickland and Chairman Lowery

APPROVED

36. **RESOLUTION AUTHORIZING THE ACCEPTANCE OF CONFERENCE SPONSORSHIPS, DONATIONS AND REGISTRATION AND EXHIBIT FEES FOR THE 2015 NEIGHBORHOOD REDEVELOPMENT CONFERENCE IN THE AMOUNT OF APPROXIMATELY \$85,000.00 AND THE SUBMISSION OF ALL REQUIRED DOCUMENTS TO COLLECT, OBLIGATE AND EXPEND CONFERENCE REVENUE. THIS RESOLUTION IS SPONSORED BY HOUSING AND COMMUNITY DEVELOPMENT.**

MOTION: Brown

SECOND: Collins

AYES: B. Boyd, W. Boyd, Brown, Collins, Conrad, Ford, Fullilove, Lowery, Morrison and Chairman Lowery
Flinn, Halbert and Hedgepeth did not cast a vote

APPROVED

37. **RESOLUTION APPROVING THE FY2016 CONSOLIDATED PLAN AND ACCEPTING AND APPROPRIATING ANTICIPATED FY2016 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS IN THE AMOUNT OF \$6,242,376.00, CDBG PROGRAM INCOME IN THE AMOUNT OF \$2,001,546.69, HOME FUNDS IN THE AMOUNT OF \$2,383,976.00, HOME PROGRAM INCOME IN THE AMOUNT OF \$17,100.00, EMERGENCY SOLUTIONS GRANT (ESG) FUNDS IN THE AMOUNT OF \$576,122.00 AND HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS (HOPWA) FUNDS IN THE AMOUNT OF \$3,071,708.00 FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) TO THE FY2016 BUDGET FOR THE DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT.**

MOTION: Brown

SECOND: B. Boyd

AYES: B. Boyd, W. Boyd, Brown, Collins, Conrad, Ford, Fullilove, Halbert, Morrison and Chairman Lowery

Flinn, Hedgepeth and Strickland did not cast a vote

APPROVED

39. **RESOLUTION SEEKS APPROVAL TO TRANSFER AND APPROPRIATE \$634,933.00 IN CONTRACT CONSTRUCTION FROM PK70114, PARKS COVER LINE, TO PK07092, CITY PARK REHAB AND MAINTENANCE, FUNDED BY G.O. BONDS GENERAL. THIS RESOLUTION IS SPONSORED BY PARKS AND NEIGHBORHOODS.**

MOTION: W. Boyd

SECOND: Ford

AYES: B. Boyd, W. Boyd, Brown, Collins, Conrad, Ford, Fullilove Halbert, Morrison, Strickland and Chairman Lowery
Flinn and Hedgepeth did not cast a vote

APPROVED

40. **RESOLUTION ESTABLISHING AN AD HOC COMMITTEE TO DEVELOP A MOW TO OWN PROGRAM. THIS RESOLUTION IS SPONSORED BY COUNCILMAN BERLIN BOYD.**

MOTION: B. Boyd

SECOND: Morrison

AYES: B. Boyd, W. Boyd, Brown, Collins, Conrad, Ford, Fullilove, Halbert, Morrison, Strickland and Chairman Lowery
Flinn and Hedgepeth did not cast a vote

APPROVED

41. **RESOLUTION ADDING A NAME TO THE LIST OF HOMICIDES ELIGIBLE FOR THE REWARD FUND PROGRAM. THIS RESOLUTION IS SPONSORED BY COUNCILMAN HAROLD COLLINS, COUNCILMAN KEMP CONRAD, COUNCILMAN REID HEDGEPEETH, COUNCILMAN JIM STRICKLAND AND COUNCILWOMAN WANDA HALBERT.**

MOTION: Conrad

SECOND: Collins

AYES: W. Boyd, Brown, Collins, Conrad, Ford, Fullilove, Halbert, Morrison, Strickland, and Chairman Lowery
B. Boyd, Flinn and Hedgepeth did not cast a vote

APPROVED

43. **RESOLUTION AMENDING THE FISCAL YEAR 2015 OPERATING BUDGET BY APPROPRIATING \$200,000.00 FOR THE REPLACEMENT OF THE DIMMING SYSTEM AT THE MEMPHIS COOK CONVENTION CENTER. THIS RESOLUTION IS SPONSORED BY THE FINANCE DIVISION.**

MOTION: Strickland

SECOND: W. Boyd

AYES: W. Boyd, Brown, Collins, Conrad, Fullilove, Halbert, Morrison, Strickland and Chairman Lowery

B. Boyd, Flinn, Ford and Hedgepeth did not cast a vote

APPROVED

44. **RESOLUTION APPROPRIATING FUNDS IN THE AMOUNT OF \$1,300,000.00 FOR THE CONSTRUCTION, FF, IT AND ARCHITECT AND ENGINEERING COSTS FOR THE RELOCATION OF POLICE SERVICES SOUTH MAIN PRECINCT TO 444 NORTH MAIN, CIP PROJECT NUMBER PD02011. THIS RESOLUTION IS SPONSORED BY POLICE SERVICES.**

MOTION: Lowery

SECOND: Morrison

AYES: B. Boyd, W. Boyd, Brown, Collins, Fullilove, Halbert, Morrison and Chairman Lowery

NAYS: Strickland

Conrad recused

Flinn, Ford and Hedgepeth did not cast a vote

APPROVED

MINUTES

Approval of the Minutes of the regular meeting of April 21, 2015 for Items 26, 41, 43 and 44 only, with the following motion:

MOTION: Fullilove

SECOND: B. Boyd

AYES: B. Boyd, W. Boyd, Brown, Collins, Conrad, Fullilove, Halbert, Morrison, Strickland and Chairman Lowery

Flinn, Ford and Hedgepeth did not cast a vote

APPROVED

INTRODUCTION OF ITEMS ON MATTERS BY THE GENERAL PUBLIC:

Chairman Lowery recognized the following person who spoke from the audience:

Jennifer Ballard, 80 Julia Dr., Atoka, TN 38004
Walter Broady, III, 4256 Ledbetter Cove, Memphis, TN 38109
Sherrie Hopper, 6898 Alder Wood Dr., South, Millington, TN 38053
Fran Triplett, 3616 Northwood Dr., Memphis, TN 38111

ADJOURNED MEETING AT 6:53 P.M.

Upon statement of the Chairman, without objection, the meeting was adjourned, subject to the call of the Chairman.

CHAIRMAN

Attest:

Deputy Comptroller/Council Records